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CONFIRMATION NO. FIRST NAMED INVENTOR ATTORNEY DOCKET NO. APPLICATION NO. **FILING DATE** Rickey D. Hart INNO-4 CON 8 6383 10/623,884 07/21/2003 **EXAMINER** 7590 03/08/2006 Mark J. Pandiscio THALER, MICHAEL H Pandiscio & Pandiscio **ART UNIT** PAPER NUMBER 470 Totten Pond Road Waltham, MA 02451-1914 3731

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
	Office Action Summary	10/623,884	HART, RICKEY D.
		Examiner	Art Unit
		Michael Thaler	3731
Period fo	The MAILING DATE of this communication app or Reply	lears on the cover sheet with th	e correspondence address
WHIC - Exte after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DATES of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. Operiod for reply is specified above, the maximum statutory period were to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION OF THIS COMMUNICATION OF THIS COMMUNICATION OF THE STATE	ON. e timely filed from the mailing date of this communication. ONED (35 U.S.C. § 133).
Status			
1)🛛	Responsive to communication(s) filed on 23 De	ecember 2005.	
2a)☐	This action is FINAL . 2b)⊠ This		
3)[Since this application is in condition for allowar	nce except for formal matters,	prosecution as to the merits is
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.		
Disposit	ion of Claims		
4)⊠	Claim(s) 1,2 and 4 is/are pending in the applica	ation.	
•	4a) Of the above claim(s) is/are withdraw	wn from consideration.	
5)	Claim(s) is/are allowed.		
6)⊠	Claim(s) 1,2 and 4 is/are rejected.		
·	Claim(s) is/are objected to.		
8)	Claim(s) are subject to restriction and/or	r election requirement.	
Applicat	ion Papers		
9)	The specification is objected to by the Examine	r.	
10)	The drawing(s) filed on is/are: a) acce	epted or b) objected to by the	ne Examiner.
	Applicant may not request that any objection to the		
4.43[***]	Replacement drawing sheet(s) including the correct		
11)	The oath or declaration is objected to by the Ex	taminer. Note the attached Off	ice Action or form P1O-152.
Priority (under 35 U.S.C. § 119		
12)	Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119)(a)-(d) or (f).
a)	☐ All b)☐ Some * c)☐ None of:		
	1. Certified copies of the priority documents		
	2. Certified copies of the priority documents		
	3. Copies of the certified copies of the prior		eived in this National Stage
* (application from the International Bureau	` ''	pived
" 3	See the attached detailed Office action for a list	or the certified copies not rece	nvou.
Attachmen	nt(s)		

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/27/05.

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1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

4) Interview Summary (PTO-413)

6) Other: _____.

Paper No(s)/Mail Date. ____.

5) Notice of Informal Patent Application (PTO-152)

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A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Dec. 23, 2005 has been entered.

Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (2,137,710) in view of Yoon (5,226,426). As to claim 1, Anderson, in figure 4, discloses a device which is inherently capable of grasping thin cord-like objects comprising hollow rigid shaft (the portion of shaft 10 which is distal to flange 26), solid rod (the distal portion of plunger 27), first and second wire-like elements 14, 15, the first wire-like element defining a hook-shaped configuration (as best seen in the embodiment of figure 3), and actuation means comprising a housing (the portion of shaft 10 which is proximal to flange 26), trigger 28 pivotally attached to the housing (at 30) and piston (the proximal portion of plunger 27) which is spring biased by spring 28. Anderson fails to show the distal end of hollow shaft 10 as being pointed. However, Yoon teaches that the distal end of a hollow shaft 32 of a surgical

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instrument should be pointed (at 46), noting col. 5, lines 4-13, apparently in order to obtain the advantage of easily penetrating tissue. It would have been obvious to make the Anderson hollow shaft 10 pointed so that it too would have this advantage. As to claim 2, the distal end of the Anderson shaft 10 is curved (in the circumferential direction) since the cross-section of the shaft 10 is circular. As to claim 4, Anderson fails to disclose the object being grasped by the wire-like elements 14, 15 as being thin and cord-like. However, it is old and well known in this art that thin and cord-like objects (such as sutures and body conduits) are needed to be grasped by surgical forceps in order to manipulate them. It would have been obvious to use the Anderson forceps to grasp thin and cord-like objects for this reason.

Applicant's arguments with respect to claims 1, 2 and 4 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Thaler whose telephone number is (571)272-4704. The examiner can normally be reached Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan T. Nguyen can

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be reached on (571)272-4963. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

mht 3/2/06 MICHAEL THALER
PRIMARY EXAMINER
ART UNIT 3731